

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3890 of 2015

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Ram Kailash Puri S/o Late Hardeo Puri resident of village- Kanihar ward no. 5,
P.S. Sugauli, District- East Champaran, Motihari.

.... Petitioner

Versus

1. The State of Bihar.
2. The Collector, East Champaran, Motihari.
3. The Sub Divisional Officer, Sugauli, Motihari.
4. The Circle Officer Sugauli, Motihari.
5. The Manager, Sugar Mill, Sugauli, Motihari.
6. The Sugar Mill, through its Manager, Sugauli, P.S. Sugauli, Distt. East Champaran

.... Respondents

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Appearance :

For the Petitioner : Mr. Pramod Kumar Pandey, Advocate
For the State : Mr. Pankaj Kumar Pankaj, A.C. to S.C. 33

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-09-2015

Heard learned counsel for the petitioner and the State.

As prayed, petitioner is permitted to implead the Sugar Mill, through its Manager, Sugauli, East Champaran as respondent no.6 in course of the day.

The petitioner's grievance is that respondent no.6 has encroached upon the public land which has been registered as "Rasta" of plot nos.3737, 3738 appertaining to khata nos.1093 and 3695.

It is contended that the aforesaid encroachment by the respondent no.6 is apparent from the report of the Halka Karamchari which has been appended as Annexure 4.

Be that as it may, such thing can only be looked into in

a proceeding under Bihar Public Land Encroachment Act, 1956.

Accordingly, this writ application is being disposed of, without going into the merit of the case, granting liberty to the petitioner to approach the Collector, East Champaran by filing a proper application in this regard. On such representation having been filed, let the same be considered in accordance with law and proper action be taken following the procedure laid down under the aforesaid statute by the Collector himself or by relegating the matter to any competent authority. It is further made clear that no action of removal of encroachment should be taken without granting reasonable opportunity to all the concerned and affected parties. It is expected that the aforesaid exercise should be completed within a period of six months from the date of filing of such representation.

(Dr. Ravi Ranjan, J)

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